



# AND JUSTICE FOR ALL

**SISTER HELEN PREJEAN ON WHY THE  
DEATH PENALTY IS WRONG**

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**I**n 1608, on the shores of Britain's newly formed Virginia Colony, Captain George Kendall was found guilty of spying for Spain and sentenced to death by firing squad. His execution — the first recorded in the colonial New World — began a policy of death-penalty sentencing that continues to this day in the United States, where 3,300 men and women sit on death row. Since 1977 more than 1,200 people have been executed, with the overwhelming majority of those executions taking place in Southern states. One of those killed was Elmo Patrick Sonnier, convicted by a Louisiana jury of murdering David LeBlanc and Loretta Ann Bourque on the night of their high-school homecoming. While on death row Sonnier began corresponding with a Catholic nun in New Orleans named Sister Helen Prejean. Their correspondence, Prejean says, turned her life upside down. Today she is one of the world's foremost death-penalty abolitionists.

Prejean was born into a life of Louisiana privilege and entered the convent intent on seclusion. It wasn't until a fellow nun asked, "What are you doing to stop the suffering in the world?" that Prejean decided to leave the cloister and help the urban poor. After moving into a housing project in New Orleans, Prejean became Sonnier's spiritual advisor. She visited with him in person, right up to the last hours of his life. Sonnier was electrocuted before her eyes, and his story led her to write the Pulitzer Prize-nominated book *Dead Man Walking* (Vintage), which became an Oscar-winning film starring Sean Penn and Susan Sarandon.

Prejean has since served as spiritual advisor to five more death-row inmates and travels the world to speak in opposition to the death penalty. Her second book is titled *The Death of Innocents: An Eyewitness Account of Wrongful Executions* (Vintage), and she is at work on her spiritual autobiography, *River of Fire*. She also assists families of murder victims in New Orleans through *Survive*, a victims' advocacy group that she founded. Prejean, who is seventy-one, has received numerous honorary doctorates and been nominated for the Nobel Peace Prize. She says she is encouraged by recent trends toward abolishing capital punishment: in the last three decades six U.S. states have suspended or abolished use of the death penalty, and 139 death-row prisoners have been exonerated since 1973.

I met Prejean at Marquette University in Milwaukee, Wisconsin, where she spoke — with her distinct Louisiana style — to overflow crowds. A cold rain fell outside afterward as she and I sat down to talk. Long accustomed to fighting for justice, Prejean carries herself with a presence that is both firm and tender. When she walks into a room, the atmosphere changes immediately.

Like the best teachers, Prejean knows the path to the heart is through story, and she peppers her talks with moving accounts of those she has encountered in our nation's prisons. Earlier she'd told the story of Dobie Gillis Williams, who was executed in 1999 by lethal injection. Prejean was with him in his last hours. He had an IQ of 65. His last words were: "I just want to say I got

*no hard feelings for anybody. God bless everybody, God bless."* Prejean believes he was innocent.

**Cook:** According to Amnesty International, 93 percent of the world's executions take place in five countries: China, Saudi Arabia, Iran, Pakistan, and the U.S. Why is our government — supposedly a beacon of democracy to the world — on such a list?

**Prejean:** The death penalty is a natural outgrowth of our long history of using violence to achieve our ends. We're a very young country, and violence has worked for us in the past. It began with the settling of this continent and the genocide against Native Americans, then continued when we brought slaves over. Now we tend to blame the poor and see them as a criminal element and use coercion and violence to control them.

**Cook:** But capital punishment has been practiced for centuries. Is it part of human nature?

**Prejean:** It's part of a cultural understanding that says the only way to subdue evil is with violence, but it's not part of human nature. Look at all the countries in the world that don't have the death penalty. The very first act of the new Constitutional Court in South Africa, after it got rid of apartheid, was to banish the death penalty. To some extent violence is part of our nature, but compassion is too. Seeking justice for *everybody* is also part of human nature.

The death penalty is the most important civil-rights issue of our time. It's a deeply symbolic issue, because it says that the way we're going to solve problems is by violence. It says that some among us are such a danger to who we are and what we stand for that they must be eliminated. To arrive at this mind-set, human beings have to flip a switch inside themselves. Deep down we know we are brothers and sisters and are all connected. For the death penalty to exist, we have to throw some switch that says, "The Other is not human like us," and so we can do whatever we want to them. And of course the execution must be removed from the public eye. The chamber is behind prison walls, and we don't hear about what goes on inside it.

**Cook:** If we went to death row, who would we find there?

**Prejean:** Less than 1 percent of the roughly fifteen thousand people who commit homicide each year are selected for death. Ninety percent of the prisoners who do end up on death row were abused as children. Nearly 100 percent are poor. We haven't tried hard enough to solve the problem of poverty in this country. We have mentally ill people on death row. The Supreme Court has said that it's unconstitutional to execute an insane person. So what do the states do? They give legally insane prisoners medication to make them appear sane enough to stand trial. We have some people on death row who don't know how to read and write. But you also meet people on death row who read books and write profound reflections. Some of

them will try to teach their fellow death-row prisoners how to read and write.

I used to think that people on death row would support and love each other, since they're all in the same boat, but you also see people get into fights over tobacco or coffee and sometimes even throw their feces at someone walking by. There is fierceness and cruelty side by side with kindness.

**Cook:** You are currently the spiritual advisor to two people on death row.

**Prejean:** Yes. Manuel Ortiz has been on death row for seventeen years. He's from El Salvador and was convicted of killing his wife for insurance money, solely on the word of a man named Carlos Saavedra. Saavedra said Manuel had hired him to kill his wife, but there is no evidence that Manuel even knew him. I can't say too much about his case because his lawyers are in the process of appealing the decision.

Normally I serve only one prisoner at a time, but Cathy Henderson wrote me a letter and asked me to be with her. She is on death row in Texas and is accused of murdering a baby she was sitting. She has always said it was an accident. Her lawyers gave virtually no defense. Prosecutors called her a "baby murderer" and said she deliberately killed the infant. Cathy said she was playing the airplane game so many parents play — swinging him around — and her bare foot landed on something sharp. The baby dropped from her hands, and his head hit the floor. The medical examiner at her trial told the jury it could not have been an accident, but her new pro-bono lawyers have gotten four biomechanical experts to look at the physics of what happened, and all four came to the conclusion that it could have been an accident. The medical examiner has reviewed their findings and signed an affidavit saying that, if he'd had this information then, he would have changed his testimony. The Court of Criminal Appeals in Texas, which almost always rubber-stamps death-penalty convictions, has said there must be a new hearing. So there is the possibility she will escape the death penalty and perhaps be set free.

**Cook:** You've said that death row dehumanizes people. How?

**Prejean:** Every day on death row you receive indications that you are disposable: the way the guards treat you, the way you're talked to, the way the courts treat you. No one gives any indication that you are a human being with dignity. That is why I'm there: to say to death-row prisoners that they are human.

On death row they lock you up and count you four times a day and treat you like chattel. In the maximum-security units there is very little human contact, so the people there are virtually in solitary confinement. It is torture. I believe that we tilled the soil for the torture in Guantánamo Bay and Abu Ghraib with how we treat death-row prisoners in the U.S. We have become insensitive to their pain and humanity. Prisons are like fiefdoms, and a warden is like a king who has absolute power.



HELEN PREJEAN

**Cook:** In the U.S. we have almost 5 percent of the world's population and almost 25 percent of the global prison population.

**Prejean:** Yes, we incarcerate more people than any other country in the world. Prison is an industry from which certain people benefit: Politicians benefit because they get elected by claiming they are tough on crime. Businesses make money off prisons. That keeps the system going. Two-thirds of the people in prison are there for nonviolent crimes, like bad checks or drug possession. Why do we use such excessive punishment? What does it mean for us to take a woman who writes bad checks and separate her from her family for five or eight or ten years? What is the effect of that? Is that what she deserves?

As a society we have to examine our belief that severe punishment is the way to restore order. The main objective of prisons is to keep society safe, not to cause prisoners pain simply because they caused others pain. People who have committed violent crimes need to be imprisoned to keep the public safe, but we must also strive for rehabilitation. We know that prisoners who get an education tend not to reoffend, but we've cut most educational programs from prisons — really, any program that might restore humanity to the prisoners. Restorative justice would improve our society instead of simply throwing people away.

**Cook:** What would "restorative justice" look like?

**Prejean:** I once visited a women's prison in Dublin, Ireland, and had I not known it was a prison, I would have never recognized it as such. The prison provided counseling to help the women understand what had led them to commit a crime. It provided a place for their children to come visit them. And it gave them an education and work supervision and lessons on developing relationships. In the U.S. we would call that "coddling criminals." There they saw it as taking seriously the prisoners' needs.

We picture all people in prison as terrible criminals. We picture murderers as people who love to kill, but most who commit murder do so in the heat of the moment and without thought of consequences. The only way to change our impressions is to go into prison and meet the people there.

**Cook:** Are there rehabilitation programs in the U.S. similar to the one you saw in Ireland?

**Prejean:** John Sage runs Bridges to Life in Texas. His sister Marilyn was brutally murdered, and he took the pain of her loss and directed it toward helping people in prison. He works with prisoners who are going to be released and teaches them job skills. He also helps them take responsibility for their crimes. They have to meet a victim's family — not the family of their victim but one that suffered a similar loss. The family helps the prisoner understand the pain he has caused.

**Cook:** If someone is guilty of terrifying violence, what should his or her punishment look like?

**Prejean:** I can tell you what it should *not* look like. Any

kind of punishment that degrades a defenseless human being and takes away his or her dignity is immoral. That is the basis for the Universal Declaration of Human Rights and the Geneva Conventions. No one should be subjected to cruel punishment or torture.

**Cook:** African Americans represent approximately 15 percent of our population and 50 percent of our prison population. Theologian James Cone has claimed that African Americans are being lynched once again by our prison system. Is he right?

**Prejean:** It is legal lynching, absolutely. When you look at Louisiana State Penitentiary, over 70 percent of the inmates are African Americans. You see them going out to the fields with hoes over their shoulders, followed by guards on horseback with guns. Basically a young man sentenced to life there will spend his days working on a farm for four cents an hour. The most you can get, after twenty years, is twenty-one cents an hour.

**Cook:** In your years of public speaking, what arguments have you most often encountered in favor of the death penalty?

**Prejean:** The most common argument is that death is a just punishment for those who have taken the lives of innocents. The murderer did not respect the life of the victim and therefore deserves what he or she gets. Anything less would devalue the victim's life.

**Cook:** Former New York mayor Ed Koch once said, "It is by exacting the highest penalty for the taking of human life that we affirm the highest value of human life."

**Prejean:** I've heard district attorneys say something like "Ladies and gentlemen of the jury, we are going to ask you for the death penalty, because that is the only way to show how much we respect the innocent life that's been taken." Most people who make those kinds of rhetorical statements have never been there in the final hours and watched what it means to take people who are alive and strap them down to a gurney or in a chair and kill them. They are removed from the results of their actions.

I also hear religious arguments. Supreme Court justice Antonin Scalia has said that Christians should support the death penalty because we expect to be punished for our sins. He believes that part of Christianity is to suffer pain and pay atonement. Scalia has also called execution by lethal injection "a quiet death" and "enviable" compared to how the victim died. A Supreme Court justice shouldn't use those words to talk about torture and killing. Human beings have imaginations, and the condemned die a thousand times in their minds before they are executed.

Some people approve of the death penalty because they think it is cheaper than life imprisonment. Actually the death penalty is more expensive. That's why more and more states with budget crises are doing away with it. A capital-murder case, as one prosecutor says, is the Cadillac of the criminal-justice system. It takes multiple trials, requires airtight evidence, and uses more expert witnesses than any other type of case. Then you have to build a special section of the prison and hire personnel to staff it. Often death-row prisoners are not allowed to work to defray the cost of their board and keep.

## **WE TILLED THE SOIL FOR THE TORTURE IN GUANTÁNAMO BAY AND ABU GHRAIB WITH HOW WE TREAT DEATH-ROW PRISONERS IN THE U.S. WE HAVE BECOME INSENSITIVE TO THEIR PAIN AND HUMANITY.**

In California it costs millions of dollars a year to house more than seven hundred people on death row.

In response to these arguments, I share stories about people I know. When New Jersey did away with the death penalty, sixty-two murder victims' families testified that the death-penalty process had only prolonged their agony. They had been told it would provide "closure," but in reality it meant they had to witness the death of another person, often after waiting ten or fifteen years to do so, and this death would do nothing to bring back their loved ones. During the waiting process, their story is in and out of the spotlight. It makes their wound public, and the healing doesn't come. Many murder victims' families have been prominent in the abolition movement.

I also point out that the death penalty is not reserved for the most terrible murders. It's more common in cases where the victim is white, for example: approximately 80 percent of death-penalty cases involve the murder of a white person, yet 50 percent of all homicide victims are people of color.

Whether the death penalty is sought comes down to the decision of the prosecutor. Thankfully juries have to be told now that they can sentence someone to life without parole even when the prosecutor is seeking the death penalty. In the past juries were not given that information. They thought the death penalty or freedom were the only options. Even in Texas death-penalty sentences have diminished because of this. Juries — which are made up of ordinary citizens entrusted with godlike power — have a terrible responsibility.

**Cook:** What an enormous — and perhaps unethical — burden for ordinary citizens to carry.

**Prejean:** Yes, we put twelve people behind closed doors for hours or days and let them decide whether a person lives or dies. They don't have the tools to do that. They don't know what evidence may have been hidden from them in the trial. Even if they know for sure that this person is guilty of the crime, do they get to look at mitigating circumstances? Parents of the victim ask the jurors to "please kill this bastard who killed my boy"; parents of the accused beg the jurors not to kill their son. What's a human being to do with that?

*(end of excerpt)*